



Administrative Progress Report (APR) January 2006

To: POST Commissioners and Advisory Committee

From: KENNETH J. O'BRIEN
Executive Director

The APR is a monthly status report intended to inform POST Commissioners and law enforcement officials of recent progress on POST projects and instructional programs currently under development, and other information of interest relating to POST.

CALIFORNIA SUPREME COURT REVIEWING PEACE OFFICER RECORDS RELEASE CASE

In March 2002, the *Los Angeles Times* requested specified peace officer information provided to POST on the Notice of Appointment/Termination form; however, POST declined to release confidential peace officer personnel information. On May 9, 2002, pursuant to the California Public Records Act (CPRA), Los Angeles Times Communication, LLC, filed a Petition for Writ of Mandamus to compel POST to make public information contained in the Peace Officer Database. *The Times* prevailed in the Los Angeles Superior Court case.

POST appealed to the Second Appellate District on February 6, 2003, arguing the matter of jurisdiction. POST prevailed at the State Appellate Court level and the case was transferred to Sacramento. In October 2003, Sacramento County Superior Court ordered the release of all information requested by the *Los Angeles Times*, except the date of birth and reason for separation.

POST appealed the decision to the 3rd District Appellate Court in Sacramento. On April 7, 2005, the court issued a published decision (Citation text: 27 Cal.Rptr.3d 108) denying *The Times*' writ and supporting POST's position that information received from departments is confidential and not subject to disclosure under the CPRA.

The *Los Angeles Times* subsequently appealed the Appellate Court decision to the California Supreme Court, and the Court granted the review of case #S134072 on July 27, 2005. Amicus briefs were submitted to the Supreme Court by the California Peace Officers' Association (CPOA), the California State Sheriffs' Association (CSSA), California Police Chiefs' Association (CPCA), the American Civil Liberties Union (So. Cal, San Diego and Imperial Counties), and the California Newspaper Publisher's Association. The court is now reviewing the briefs and is expected to set a hearing date in the spring or summer of 2006.

Questions about the case may be directed to Bureau Chief Paul Harman, Information Services Bureau, at (916) 227-0539 or by email at Paul.Harman@post.ca.gov.

HIGHWAY DEDICATED TO FALLEN OFFICER

The Oceanside Police Department, the City of Oceanside, and Caltrans dedicated a portion of State Highway Route 76 passing through the City of Oceanside to Officer Tony Zeppetella. Officer Zeppetella was killed in the line of duty on June 13, 2003.

The ceremony took place at the Oceanside Police Department with representatives from Caltrans, the City of Oceanside, POST staff, and local law enforcement agencies present. The widow of Officer Zeppetella spoke at the dedication and thanked those persons responsible for the designation of the highway in Officer Zeppetella's name.

The Palomar Police Academy Class 13 just started its training and is dedicating their training to Officer Zeppetella and his family. They will be holding a number of fund raising events throughout their training and will present a check to the Zeppetella family upon their graduation.

Questions about the highway dedication may be directed to Senior Consultant Ed Pecinovsky, Training Delivery and Compliance Services Bureau, at (916) 227-4873 or by email at Ed.Pecinovsky@post.ca.gov.

SOUTHWESTERN COLLEGE LAW ENFORCEMENT ACADEMY GRADUATES

The Southwestern College Basic Law Enforcement Academy honored the graduates of its 41st Academy at a ceremony on Saturday, December 17, 2005. Friends and family participated in the ceremony and cheered on the graduates. Director Brent Chartier and Coordinator Pam Swanegan were responsible for the program and Senior Consultant Ed Pecinovsky assisted in the completion of the final POST Objective for the class by administering the Law Enforcement Code of Ethics.

Questions about the Southwestern College Basic Law Enforcement Academy graduation may be directed to Senior Consultant Ed Pecinovsky, Training Delivery and Compliance Services Bureau, at (916) 227-4873 or by email at Ed.Pecinovsky@post.ca.gov.

POST WELCOMES NEW CONSULTANT

Richard (Rich) Bond became POST's newest Law Enforcement Consultant on December 28, 2005. Rich is assigned to the Basic Training Bureau where he will manage the Field Training Program and the Police Training Officer Pilot project.

Prior to coming to POST, Rich had a distinguished 35-year career with the Alameda County Sheriff's Department where he retired as a commander. Rich spent several years as the academy director for Alameda County and is well known to POST staff and members of the Basic Course Consortium. He is also a subject matter expert in the area of law enforcement tactics and the use of force.

We welcome Rich to POST and look forward to working with him.

RECRUITS GRADUATE FROM PALOMAR COLLEGE LAW ENFORCEMENT ACADEMY

On December 15, 2005, Palomar College Basic Law Enforcement Academy held graduation ceremonies for graduates of Class 12. Director Tom Plotts and Coordinator Shannon Dryer were responsible for program delivery.

The recruits of Class 12 adopted the family of Officer Isaac Espinoza of the San Francisco Police Department, who was murdered in the line of duty in 1994, as a project and source of inspiration for the recruits. The recruits held numerous fund raisers over a period of eleven months. The Espinoza family attended the graduation and the class presented the family with a check for \$12,000. The program was broadcast live over the Internet so the San Francisco Police Department would have an opportunity to see the graduation and donation by the class to the Espinoza family.

Eight of thirty-two graduates were hired prior to graduation. Senior Consultant Ed Pecinovsky administered the oath of office to the new officers.

Questions about the Palomar College Basic Law Enforcement Academy graduation may be directed to Senior Consultant Ed Pecinovsky, Training Delivery and Compliance Services Bureau, at (916) 227-4873 or by email at Ed.Pecinovsky@post.ca.gov.

PUBLIC SAFETY DISPATCHER TERRORISM AWARENESS INSTRUCTOR COURSE PILOTS COMPLETED

SB 1350 (McPherson) authorized the development of terrorism awareness training for public safety personnel in 2002. POST staff and subject matter experts developed an 8-hour *Public Safety Dispatcher Terrorism Awareness Course (PSD-TAC)* and a 24-hour *Public Safety Dispatcher Terrorism Awareness Instructor Course (PSD-TAIC)* to provide a standardized curriculum that is consistent with training presented to sworn officers. The course will train approximately 6,900 public safety dispatchers statewide.

Two pilot presentations of the 24-hour instructor course have been completed. In the first session, held in San Francisco on December 6-9, 2005, 29 instructors were trained. The second pilot was held on January 11-13, 2006, and 28 instructors were trained. The 57 new instructors received complete instructional packages and will begin presenting the 8-hour course. The course is POST-certified and has been approved by the federal Office of State and Local Government Coordination and Preparedness (SLGCP).

The subject matter experts will meet in February 2006 and finalize the instructor course curriculum based on results of the pilot presentations. The 24-hour instructor course will be submitted for approval once the curriculum has been finalized.

Questions about the Public Safety Dispatcher Terrorism Awareness courses may be directed to Special Consultant Ken Whitman, Homeland Security Program, at (916) 227-5561 or by email at Ken.Whitman@post.ca.gov.

INSTITUTE OF CRIMINAL INVESTIGATION'S DETECTIVE SYMPOSIUM FILLED

In January, all seats for the second Robert Presley Institute of Criminal Investigation (ICI) Detective Symposium were filled. Registrants represent a broad cross-section, geographically and by agency type and size, of the state's detectives. The three-day symposium will be held on May 16-18, 2006, at the Ontario Hilton Hotel and will be presented by the San Jose State University. The symposium is applicable toward satisfaction of both POST's Continuous Professional Training requirement and the ICI's universal elective requirement for an ICI certificate.

The Detective Symposium will include daily plenary sessions featuring major case investigations (for example, Laci Peterson, "Beltway Snipers," and "BTK") and an array of workshops on topics such as wiretaps, sources of information, case preparation, cell phone technology, and digital evidence. On the final day, awards will be presented to individuals and teams who have conducted exemplary investigations.

Questions regarding the Detective Symposium or the ICI Program may be directed to Senior Consultant Mike Hooper, Training Program Services Bureau, at (916) 227-3912 or by email at Mike.Hooper@post.ca.gov.

POST LIBRARY AND THE CALIFORNIA LIBRARIES CATALOG

The POST Library is one of 1,221 California libraries that are featured in the new California Libraries Catalog. The California Libraries Catalog is a joint project of the State Library of California and Califa, which is a membership-based service bureau designed to provide services to all California libraries. This project is the first true comprehensive catalog of all library resources within the State of California that can be shared on the Internet. All of the POST Library materials that have been cataloged using the Online Computer Library Center (OCLC) system are displayed in this online catalog of California libraries. This new project allows all Californians to see which library closest to them has a particular book, magazine, audio/video/CD/DVD, or Internet resource. The catalog can be accessed at <http://www.calcat.org>. Please select the "All Libraries" box in order to include the POST Library holdings in a search.

While this project will make more Californians aware of the resources in the POST Library, the information that it uses is just a subset of the more complete online catalog databases available on the POST Website. The California Libraries Catalog does not include the Command College projects and the over 52,000 journal article citations. To access the POST Library databases, go to http://www.post.ca.gov/library/p_lib/online_cat.asp.

Questions about the POST Library and the California Libraries Catalog may be directed to Supervising Librarian Phyl Barrus, Information Services Bureau, at (916) 227-4837 or by email at Phyl.Barrus@post.ca.gov.

FIELD RESEARCH FOR THE READING AND WRITING RESEARCH PROJECT NEARS COMPLETION

In accordance with POST Strategic Plan Objectives A.14 (study the feasibility of raising the entry-level reading and writing requirement) and A.15 (study the need for requiring a reading and writing examination for entry into the basic academy), the first phase of information-gathering efforts for the Reading and Writing Research Project was recently completed.

Field Training Officers (FTOs) and Police Training Officers (PTOs) from throughout the state met on January 5-6, 2006, in San Jose to discuss entry-level officer reading and writing issues. Staff also attended the California District Attorney Association (CDAA) Conference in Palm Springs on January 24-26, 2006, to survey District Attorneys (DAs) and assess the impact of police reports on the prosecution of crimes.

These efforts conclude a year-long information gathering phase. Information has been collected from recruiters, academy staff, FTOs/PTOs, DA investigators, DAs, and a judge. The information will be used to guide modifications to the current reading and writing standards. A steering committee, composed of representatives from all stakeholder groups, is being formed to review project input and make recommendations.

Questions about the Reading and Writing Research Project may be directed to Personnel Selection Consultant Elizabeth Wisnia, Standards and Evaluation Services Bureau, at (916) 227-4830 or by email at Elizabeth.Wisnia@post.ca.gov, or to Management Fellow John Ruffcorn, Standards and Evaluation Services Bureau, at (916) 227-4827 or by email at John.Ruffcorn@post.ca.gov.

POST STAFF ATTENDS RIVERSIDE COUNTY SHERIFF'S DEPARTMENT ACADEMY GRADUATION

The Riverside County Sheriff's Department graduated the 166th session of their Basic Law Enforcement Academy on January 17, 2006. The graduates included 30 members of the Riverside County Sheriff's Department, in addition to four members of the Imperial County Sheriff's Department, two members of the Inyo County Sheriff's Department, four members of the Corona Police Department, one member of the Fontana Police Department, two members of the Palm Springs Police Department, three members of the Riverside Police Department, two members of the University of California Riverside Police Department, and four non-affiliated students of the Riverside Community College. The graduating class attained a class academic average of 93.53%.

The class elected Deputy Gerald F. Rohn, Jr. of the Riverside County Sheriff's Department as class president. He led his classmates through the strenuous 23-week academy.

Officer Tim Slane of the Corona Police Department received the Physical Training Award with an overall score of 87.6%. Officer Kellen Guthrie of the Fontana Police Department received the Academic Award with an overall academic score of 96.7%.

The Firearms Award was awarded to Deputy Javier Morando of the Riverside County Sheriff's Department and Officer Paul Grey of the Riverside Police Department who both scored 100% in the firearms training.

The award for Total Overall Achievement was awarded to Deputy Bryce Holmes of the Riverside County Sheriff's Department with an overall score of 95.91%. The California Academy Director's Association Award was presented to Officer David Hammer of the Riverside Police Department.

The guest speaker was Sheriff Bob Doyle of the Riverside County Sheriff's Department. Sheriff Doyle was assisted by Captain John Gollogly, Commander of the Ben Clark Public Safety Training Center; Sergeant Tim Elwell, Academy Coordinator, Ben Clark Public Safety Training Center; and Dr. William K. Vincent, Ph.D., Dean, Public Safety Education and Training at Riverside Community College. Family members of the Sheriff's graduates pinned badges on and presented completion certificates to the new members of the Riverside County Sheriff's Department. Chiefs of Police and other Command Staff from Police Departments with graduates in the class pinned badges on and presented completion certificates to their new members.

The graduation ceremony, held in the Riverside Municipal Auditorium, was filled to capacity with relatives and friends of the graduating class; representatives of federal, state, county, and local government; and members of many law enforcement agencies. Senior Consultant Gary Manini, Region Seven Manager in the Training Delivery and Compliance Services Bureau, represented POST at the graduation.

Questions about the Riverside County Sheriff's Department Academy graduation may be directed to Senior Consultant Gary Manini, Training Delivery and Compliance Services Bureau, at (916) 227-4868 or by email at Gary.Manini@post.ca.gov.

OCEANSIDE POLICE CHIEF INSTALLED

POST staff attended the Oceanside Police Department's installation of Chief Frank S. Mc Coy. Chief Mc Coy, formerly a Commander with the Long Beach Police Department, comes from a family of police officers. His father was a sergeant with the Signal Hill Police Department and his late uncle, Dan Mc Coy, was a captain with the Santa Ana Police Department. While serving as a member of the Long Beach Police Department, Chief Mc Coy was elected to serve on the City Council for the City of Cypress.

The event was attended by POST staff, local law enforcement leaders, and Long Beach Chief of Police and POST Commissioner Anthony Batts. Commissioner Batts was the mentor for Chief Mc Coy who replaced interim chief Jerome Lance, the former Chief of Police from Long Beach.

Questions about the installation of the Oceanside Police Department's new chief may be directed to Senior Consultant Ed Pecinovsky, Training Delivery and Compliance Services Bureau, at (916) 227-4873 or by email at Ed.Pecinovsky@post.ca.gov.

CHANGES TO POST BACKGROUND INVESTIGATION OF PUBLIC SAFETY DISPATCHERS FEATURED TOPIC AT 2006 CAL NENA CONFERENCE

Revisions to the POST regulations, procedures, and guidelines associated with pre-employment background investigation of public safety dispatchers were the topic of a presentation to the California National Emergency Number Association (CAL NENA) at their January 24, 2006, conference in Garden Grove. CAL NENA is the state chapter of a national association dedicated to dispatcher research, planning, training, and education. Presenters included POST Senior Personnel Selection Consultant Shelley Spilberg and project contractor Sid Smith of Systems for Public Safety. Topics included changes to POST Regulation 1018, Procedure C-1, the creation of Personal History Statement 2-255, new background investigation dimensions, and the upcoming revision to the POST Background Investigation Manual.

Questions about the Background Investigation of Public Safety Dispatchers may be directed to Senior Personnel Selection Consultant Shelley Spilberg, Standards and Evaluation Services Bureau, at (916) 227-4824 or by email at Shelley.Spilberg@post.ca.gov.

POST LEARNING PORTAL IN OPERATION

The POST Learning Portal was declared operational with the release of Bulletin No. 2005-21 on December 19, 2005. Initial reaction is positive as the following statistics indicate:

- There are 1,167 registered users on the Portal
- The *Communication: Keeping Your Edge* Web-based course has been completed by 466 users
- The *Learners First: Facilitation Skills for Learner-Centered Training* Web-based course has been completed by 146 users
- 942 other files have been accessed and downloaded by users
- This is a total of 1,554 interactions with information and training hosted on the Portal in less than 1.5 months

All completions of the *Communication: Keeping Your Edge* and *Learners First: Facilitation Skills for Learner-Centered Training* courses have been automatically accredited to the individual profiles of the appropriate officers.

Questions about the Learning Portal may be directed to Supervisor Graham Breck, Learning Technology Resource Center, at (916) 227-4550 or by email at Graham.Breck@post.ca.gov.

POST BEGINS DEVELOPING TELECOURSE FOR NEWS MEDIA RELATIONS

In January, the California POST Television Network (CPTN) began development of a new Telecourse program designed to improve news media/law enforcement relations. Tentative program topics will include: basic techniques for dealing with media professionals; the role of the press in a free society; California laws relating to the control and release of confidential information; use of media for positive law enforcement purposes; and the roles and responsibilities of the peace officer in maintaining a professional image when dealing with the media. The Telecourse DVD will offer several contemporary scenarios that highlight the training topics and will provide an effective tool for training basic and advanced officers. The News Media Relations Telecourse is tentatively scheduled for release in fall 2006.

Questions about CPTN or telecourses may be directed to Senior Consultant Jody Buna, Training Program Services Bureau, at (916) 227-4896 or by email at Jody.Buna@post.ca.gov.

CALENDAR OF EVENTS ON THE POST WEBSITE

Due to security concerns, the POST Calendar of Events is located within the Flagship Network on the POST Website. The Flagship Network is an electronic bulletin board for the Commission and sworn law enforcement personnel that is accessed through a user identification and password.

Information about obtaining access is located at http://www.post.ca.gov/library/p_ch/flagship_bb.asp. If you have access to the network but have forgotten your user identification or password, please send an email to Phyl.Barrus@post.ca.gov.

LEGISLATIVE UPDATE

Information regarding bills with a Commission position appears on the following page. The POST Website provides access to legislative information as follows:

Assembly Bills of interest to law enforcement:

- By Assembly Bill Number: <http://www.post.ca.gov/about/legislation/AssemblyBills.pdf>
- By Author Name: <http://www.post.ca.gov/about/legislation/AssemblyAuthors.pdf>

Senate Bills of interest to law enforcement:

- By Senate Bill Number: <http://www.post.ca.gov/about/legislation/SenateBills.pdf>
- By Author Name: <http://www.post.ca.gov/about/legislation/SenateAuthors.pdf>

Bills with a Commission position:

<http://www.post.ca.gov/about/legislation/position.doc>

STATUS OF LEGISLATION ON WHICH THE COMMISSION HAS TAKEN A POSITION

The following are bills on which the Commission has taken a position. It reflects the status of Legislature for the second half of the 2005-06 Session. Other bills of interest to law enforcement stakeholders may be viewed at <http://www.post.ca.gov/about/legislation.asp>.

Bill # and Author	Title, Summary and Commission Position	Status of Bill
<u>AB 41</u> (Yee)	Human Trafficking: This bill would establish the crime of trafficking persons for forced labor or services and the crime of trafficking of a minor for sexual servitude. It would provide for forfeiture of items used in the commission of trafficking offenses. <i>Amended to Address Contempt</i> Commission Position: <i>Neutral</i> – does not apply to POST	ASM Died (1-31-06)
<u>SB 57</u> (Alarcon)	Fines and Penalties: This bill would increase the authority of county boards of supervisors to levy additional penalty assessment on fines for criminal offenses and other specified offenses. It would authorize counties to expend 15% of the funds collected in this manner to be used to fund equipment and reimburse trauma care facilities that provide pediatric trauma care. Ten percent of the funds collected would go to county administration costs, and the remaining 75% would be allocated to the existing Maddy Emergency Medical Services Fund. Commission Position: <i>Oppose</i>	Vetoed (10-07-05)
<u>AB 542</u> (Huff)	Commission on Peace Officer Standards and Training: This bill would require POST to permit law enforcement volunteers who have the approval of their chief of police or sheriff for which the volunteers intent to perform services, to attend any training course which the Commission provides. It would require POST to establish minimum training standards, develop initial and refresher training, and establish a certification program for volunteers. Commission Position: <i>Oppose unless amended</i>	ASM Died (1-10-06)
<u>SB 986</u> (Escutia)	Consumer Credit Reports: Employment Purposes: This bill would substantially curtail the use of consumer credit reports and financial history information for employment purposes, including law enforcement background investigations. Commission Position: <i>Oppose unless amended</i>	Senate Died (1-31-06)
<u>SB 1237</u> (Leno)	Taser: This bill would require every law enforcement agency to report to the Department of Justice (DOJ) specified information about each use of a taser. It would require the DOJ and the Department of Health Services to prepare reports to the Legislature, as specified, by July 1, 2007. <i>No longer requires POST to certify taser training.</i> Commission Position: <i>Neutral</i>	ASM Died (1-31-06)

Bill # and Author	Title, Summary and Commission Position	Status of Bill
<u>AB 1657</u> (Evans)	Child Victims: Child Advocacy Centers: This bill would establish funding for child advocacy centers from the State Penalty Fund and would also increase the percentage of distribution of the State Penalty Fund to the Peace Officers' Training Fund and the Victim-Witness Fund by reducing the percentage distributed to the Driver Training Fund. <i>Commission Position: Neutral</i>	ASM Died (1-31-06)